

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 18-3855 DMG (Ex)** Date December 17, 2020

Title ***United States of America v. Approximately \$107,539,422.29 in Funds and Securities*** Page 1 of 2

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

**Proceedings: IN CHAMBERS — ORDER RE JULIAN OMIDI'S EX PARTE
APPLICATION TO INTERVENE [62]**

On December 14, 2020, Julian Omid, a defaulted potential claimant in this action [Doc. # 39],¹ filed an *ex parte* application to intervene in this case for the “limited purpose” of seeking permission to amend the Court’s October 8, 2020 Order [Doc. # 50]. [Doc. # 62.]² On December 15, 2020, the Government filed its opposition. [Doc. # 63.] For the reasons set forth below, Omid’s *ex parte* application is **DENIED**.

To justify *ex parte* relief, an applicant must make two separate showings: “[f]irst, the evidence must show that the moving party’s cause will be irreparably prejudiced if the underlying motion is heard according to regular noticed motion procedures. Second, it must be established that the moving party is without fault in creating the crisis that requires *ex parte* relief, or that the crisis occurred as a result of excusable neglect.” *Mission Power Eng’g Co. v. Cont’l Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995); *see also In re Intermagnetics Am., Inc.*, 101 B.R. 191, 193 (C.D. Cal. 1989) (*ex parte* applications “impose an unnecessary administrative burden on the court and an unnecessary adversarial burden on opposing counsel who are required to make a hurried response under pressure, usually for no good reason.”). Omid’s application has not met the threshold showing justifying *ex parte* relief and fails on this basis alone.³ The Court reminds counsel that *ex parte* applications should rarely be used and only after a robust showing that prejudice would result without immediate relief. The Court has nearly 500 civil and criminal cases

¹ Some parties were relieved of default in the Court’s October 8, 2020 Order, but Omid was not one of them. [See Doc. # 50 at 2-3, n.2, n.3, n.4.]

² The Government states, and Omid does not appear to dispute, that the instant application relates only to Omid’s request to intervene and not the *ex parte* application to amend the October 8, 2020 Order, which is attached as an exhibit to his application to intervene. [See Doc. # 63 at 3 n.3; *see also* Doc. # 62-1, Exh. A.]

³ Omid’s own application cites extensively to Federal Rule of Civil Procedure 24(a)(2), which governs requests to intervene made “(o)n timely motion.” [Doc. # 62 at 2.]

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on its docket and the filing of an *ex parte* application is the functional equivalent of “taking cuts” in front of all of the other litigants who seek the Court’s intervention and rulings.

For the foregoing reasons, Julian Omid’s *ex parte* application to intervene is **DENIED without prejudice** to refile as a duly noticed motion under Local Rule 6-1. The parties shall meet and confer pursuant to Local Rule 7-3 prior to the filing of any motion. Given that Omid and his counsel signed the September 24, 2020 stipulation and had been in negotiations with Government counsel to potentially modify that stipulation, the parties shall also consider how Omid could possibly *not* be an interested party for purposes of intervention and whether there is a way to steer away from unnecessary procedural skirmishes.

IT IS SO ORDERED.